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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

AMILCAR AICARDO ROJAS-PAZ, aka
Amilcar Rojas; Amilcar Alcardo Rojas,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 06-75109

Agency No. A076-694-030

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted July 14, 2009^{**}

Before: SCHROEDER, THOMAS, and WARDLAW, Circuit Judges.

Amilcar Aicardo Rojas-Paz, a native and citizen of Colombia, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing an immigration judge's ("IJ") decision denying his applications for asylum,

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

withholding of removal, and protection under the Convention Against Torture (“CAT”), and denying his motion to continue. We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence, *Nagoulko v. INS*, 333 F.3d 1012, 1015 (9th Cir. 2003), and deny in part and grant in part the petition for review, and remand for further proceedings.

Rojas-Paz failed to challenge the agency’s determination that his asylum application was untimely, and thus waived that contention. *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1259-60 (9th Cir. 1996).

The BIA failed to address Rojas-Paz’s contention that the IJ abused his discretion in denying Rojas-Paz’s motion to continue to allow him to obtain corroborating evidence, and we therefore remand for the BIA to address this contention in the first instance. *See Sagaydak v. Gonzales*, 405 F.3d 1035, 1040 (9th Cir. 2005); *see also INS v. Ventura*, 537 U.S. 12, 16-18 (2002) (per curiam).

PETITION FOR REVIEW DENIED in part; GRANTED in part; REMANDED. Each party shall bear its own costs for this petition for review.